

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

CHASSIDY AKBAR, et al.,	:	
Plaintiffs,	:	
v.	:	Case No. 3:18-cv-339
ZAM CHIN KHAI, et al.,	:	JUDGE WALTER H. RICE
Defendants.	:	

DECISION AND ENTRY ADOPTING UNITED STATES MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATIONS (DOC. #22);
DEFENDANTS' MOTION TO DISMISS (DOC. #4) OVERRULED AS
MOOT WITHOUT PREJUDICE TO REILING

On February 14, 2019, United States Magistrate Michael J. Newman issued a Report and Recommendations, Doc. #22, recommending that the Motion to Dismiss filed by Defendants, Swift Transportation Co. of Arizona, LLC and Zam Chin Khai, Doc. #4, be overruled as moot since, following the filing of the motion to dismiss and without objection, Plaintiff, Chassidy Akbar, filed a motion for leave to file her First Amended Complaint. Doc. #11. Because the motion to dismiss was directed at the original complaint, the Magistrate Judge has recommended that Defendants' motion to dismiss, Doc. #4, be overruled as moot and without prejudice. Although Defendants were notified of their right to file Objections to the Report and Recommendations, and of the consequences of failing to do so, no Objections were filed within the time allotted.

Based on the reasoning and citation of authority set forth by Magistrate Judge Newman in his Report and Recommendations, Doc. #22, as well as upon a thorough *de novo* review of this Court's file and the applicable law, the Court ADOPTS said judicial filing in its entirety and OVERRULES Defendants' motion to dismiss, Doc. #4, WITHOUT PREJUDICE to refiling.

Date: April 23, 2019



WALTER H. RICE
UNITED STATES DISTRICT JUDGE